

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**THE UNITED STATES OF AMERICA,
and THE STATE OF NEBRASKA,**

Plaintiffs,

vs.

**STABL, INC. (f/k/a Nebraska By-
Products, Inc.),**

Defendant.

CASE NO. 8:11CV274

ORDER

This matter is before the Court on the Defendant's Motion for A New Trial; for an Amended Judgment; for Judgment Notwithstanding the Verdict/Judgment; and for Stay (Filing No. 158). The Defendant invokes Fed. R. Civ. P. 52 and 59.

Fed R. Civ. P. 52(b) provides: "On a party's motion filed no later than 28 days after the entry of judgment, the court may amend its findings—or make additional findings—and may amend the judgment accordingly. The motion may accompany a motion for a new trial under Rule 59."

Fed. R. Civ. P. 59(a)(2) provides: "After a nonjury trial, the court may, on motion for a new trial, open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new ones, and direct the entry of a new judgment."

The Defendant raises a myriad of objections in its Motion, including:

(1) there was insufficient evidence to support the Court's summary judgment order finding Stabl liable under the Clean Water Act because the evidence submitted to the Court disclosed issues of material fact surrounding the validity of the sampling records and the consideration of an untimely amended expert declaration; (2) the Court considered Dr. Joan Meyer's second report which was untimely filed and contained material additions and amendments to her first report; (3) the Court denied

Stabl's motion for leave to designate rebuttal expert witnesses; (4) there was insufficient evidence to support any findings of violations of the Clean Water Act, the number of such violations, and the amount of any penalty under that Act; and (5) the Court denied Stabl a jury trial with regard to both liability and the number of violations that may have occurred.

Def. Br. Filing No. 162 at 4.

The Court has carefully considered the Defendant's arguments (Filing Nos. 159, 162) and evidence (Filing No. 160), and concludes that each of the Defendant's objections was thoroughly addressed in the Court's earlier memoranda and orders, in the Court's rulings at the time of trial, and in the Court's findings and conclusions of law. The Court finds no good cause to revisit the earlier rulings nor any need for a new trial or an amended judgment.

Accordingly,

IT IS ORDERED:

Defendant's Motion for a New Trial; for an Amended Judgment; for Judgment Notwithstanding the Verdict/Judgment; and for Stay (Filing No. 158) is denied.

Dated this 4th day of March, 2014.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge